

Senate Bill No. 769

CHAPTER 388

An act to amend Section 4800 of the Fish and Game Code, relating to mountain lions, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 30, 2011. Filed with
Secretary of State September 30, 2011.]

LEGISLATIVE COUNSEL'S DIGEST

SB 769, Fuller. Mountain lions: display, exhibition, or storage.

Proposition 117, an initiative measure approved by the electors at the June 5, 1990, statewide primary election, enacted the California Wildlife Protection Act of 1990. The act establishes that the mountain lion is a specially protected mammal under the laws of this state, and makes it unlawful to take, injure, possess, transport, import, or sell any mountain lion or any part or product thereof. The act establishes certain exemptions from that prohibition. The act prohibits the Legislature from changing the act, with specified exceptions, except by a $\frac{2}{3}$ vote of the membership of both houses of the Legislature and then only if consistent with, and in furtherance of, the purposes of the act.

This bill would establish an exemption for the possession of a mountain lion carcass or any part or product of a mountain lion carcass, if the carcass or carcass part or product is prepared or being prepared for display, exhibition, or storage, for a bona fide scientific or educational purpose, at a nonprofit museum or government-owned facility generally open to the public or at an educational institution, if the mountain lion was taken in California consistent with the requirements of the act and any other applicable law and the department has authorized the possession. The bill would find and declare that the amendments made by the bill are consistent with, and further the purposes of, the act.

This bill would declare that it is to take effect immediately as an urgency statute.

The people of the State of California do enact as follows:

SECTION 1. Section 4800 of the Fish and Game Code is amended to read:

4800. (a) The mountain lion (genus *Puma*) is a specially protected mammal under the laws of this state.

(b) (1) It is unlawful to take, injure, possess, transport, import, or sell any mountain lion or any part or product thereof, except as specifically

provided in this chapter or in Chapter 2 (commencing with Section 2116) of Division 3.

(2) This chapter does not prohibit the sale or possession of any mountain lion or any part or product thereof, when the owner can demonstrate that the mountain lion, or part or product thereof, was in the person's possession on June 6, 1990.

(3) This chapter does not prohibit the possession of a mountain lion carcass or any part or product of a mountain lion carcass, if all of the following requirements are met:

(A) The carcass or carcass part or product is prepared or being prepared for display, exhibition, or storage, for a bona fide scientific or educational purpose, at a nonprofit museum or government-owned facility generally open to the public or at an educational institution, including a public or private postsecondary institution.

(B) The mountain lion was taken in California consistent with the requirements of this chapter and any other applicable law.

(C) The department has authorized the possession of the carcass or carcass part or product for the purposes of this paragraph.

(c) Any violation of this section is a misdemeanor punishable by imprisonment in the county jail for not more than one year, or a fine of not more than ten thousand dollars (\$10,000), or by both that fine and imprisonment. An individual is not guilty of a violation of this section if it is demonstrated that, in taking or injuring a mountain lion, the individual was acting in self-defense or in defense of others.

(d) Section 219 does not apply to this chapter. Neither the commission nor the department shall adopt any regulation that conflicts with or supersedes any of the provisions of this chapter.

SEC. 2. The Legislature finds and declares that the amendments made by this act to Section 4800 of the Fish and Game Code are consistent with, and further the purposes of, the California Wildlife Protection Act of 1990.

SEC. 3. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order to allow the display, exhibition, or storage of mountain lion carcasses or parts or products thereof for a bona fide scientific or educational purpose as soon as possible, it is necessary that this act take effect immediately.